

Message Text

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ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

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FROM USDEL LOS

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SUBJECT: INFORMAL MEETINGS OF COMMITTEE II NEGOTIATING GROUP

I AND II AUGUST 10

1. COMMITTEE II NEGOTIATING GROUPS II AND III - ON ACCESS
OF LAND-LOCKED STATES TO AND FROM THE SEA AND ON THE CON-
TINENTAL MARGIN - MET TO CONTINUE THEIR DELIBERATIONS
AUGUST 10.

2. NEGOTIATING GROUP II SESSION OPENED WITH GENERAL STATEMENT
FROM NEPAL ON FUNDAMENTAL IMPORTANCE OF CHAPTER VI OF
REVISED SINGLE NEGOTIATING TEXT OF LAND-LOCKED STATE
ACCESS TO SEA. REMAINDER OF DISCUSSION, HOWEVER, DWELT
UPON SPECIFIC ARTICLES IN CHAPTER VI - LARGELY, UPON ARTICLE
110 - WHICH SETS FORTH BASIC RIGHT OF ACCESS TO AND FROM
SEA AND FREEDOM OF TRANSIT.

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3. SWITZERLAND ARGUED THAT CLEARER DISTINCTION SHOULD BE DRAWN IN ARTICLE 110, PARA 1 TO INDICATE THAT TWO ELEMENTS ARE INCLUDED: "ACCESS TO SEA FOR PURPOSE OF EXERCISING FREEDOM OF SEAS AND PARTICIPATING IN COMMON HERITAGE ON ONE HAND, AND TRANSIT ACCESS TO OTHER STATES TO AND FROM SEA. SWISS PROPOSED THAT PARA 2 OF ARTICLE 110 SETTING FORTH OBLIGATION FOR LAND-LOCKED STATES AND TRANSIT STATES TO CONCLUDE AGREEMENTS ON FREEDOM OF TRANSIT BE MADE SUBORDINATE TO PARA ONE WHICH SETS OUT BASIC RIGHT OF TRANSIT. ALSO SUGGESTED INSERTION OF WORD "INDISPENSABLE" BEFORE MEASURES IN PARA 3. FRG SUPPORTED SWITZERLAND WHILE, PERU INDICATED WILLINGNESS TO CHANGE IN PARA 3.

4. ROMANIA ARGUED THAT CONCEPT OF RECIPROCITY - FOR TRANSIT STATES THROUGH LAND-LOCKED STATES SHOULD BE SPECIFICALLY ADDED TO ARTICLE 110. PROPOSAL DREW SUPPORT FROM PERU AND IRAN AS WELL AS PAKISTAN WHICH GENERALLY TOOK STRONGEST LINE AGAINST PROVISIONS IN CHAPTER VI.

5. PARAGUAY PROPOSED THAT ARTICLE 110, PARA 1, BE IMPLIED BY DELETING CLAUSE BEGINNING "INCLUDING THOSE RELATING..." TO AVOID PROBLEM RAISED BY SWISS. ALSO PROPOSED COMBINING PARAS ONE AND TWO OF ARTICLE 112 TO READ: "TRAFFIC IN TRANSIT OF LAND-LOCKED STATES SHALL NOT BE SUBJECT TO ANY CUSTOMS DUTIES, TAXES, TARIFFS OR CHARGES OTHER THAN OR HIGHER THAN THOSE LEVIED FOR THE USE OF MEANS OF TRANSPORT FOR THE TRANSIT STATE."

6. NEGOTIATING GROUP III ENGAGED IN A LENGTHY DEBATE IN THE QUESTION OF THE OUTER BOUNDARY OF CONTINENTAL MARGIN, INCLUDING INTERMITTENT DISCUSSION OF THE RELATED ISSUE OF REVENUE SHARING. INTERVENTIONS CENTERED ON WHETHER COASTAL STATE JURISDICTION OVER THE MARGIN CAN EXTEND BEYOND 200 MILES.

7. EGYPT, SPEAKING FOR ARAB GROUP, PROPOSED FOLLOWING REVISED ARTICLE 64: "THE CONTINENTAL SHELF OF A COASTAL LIMITED OFFICIAL USE

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STATE COMPRISES THE SEABED AND SUBSOIL OF THE SUB-MARINE AREAS THAT EXTEND BEYOND ITS TERRITORIAL SEA THROUGHOUT THE NATURAL PROLONGATION OF ITS LAND TERRITORY, TO AN OUTER EDGE NOT EXCEEDING 200 MILES." MALTA AND JAPAN SUPPORTED 200 MILE LIMIT TO MARGIN JURISDICTION, WHILE A NUMBER OF LAND-LOCKED STATES ATTACKED BROAD MARGIN POSITION.

8. IRELAND, ACTING AS SPOKESMAN FOR BROAD MARGIN STATES, REINTRODUCED REVISED ARTICLE 64, TABLED JOINTLY AT THE SPRING SESSION BY IRELAND AND CANADA. IRISH REP DELIEVERED EXPLANATION OF THE TECHNICAL VALIDITY OF THE TWO ALTERNATE METHODS OF DETERMINING OUTER BOUNDARY OF THE MARGIN INCLUDED IN THE IRISH-CANADIAN DRAFT. IRISH INTERVENTION DREW NUMBER OF TECHNICAL QUESTIONS, A NUMBER OF WHICH WERE RHETORICAL FROM TUNISIA, SINGAPORE, NIGERIA AND OTHERS. BASIC POINT RAISED WAS EXACTLY HOW FAR OFFSHORE MARGIN JURISDICTION WOULD EXTEND IN SPECIFIC INSTANCES UNDER IRISH FORMULA. IRISH REP AGREED TO ATTEMPT TO ANSWER SUCH QUESTIONS AT NEGOTIATING GROUP'S NEXT SESSION. IRISH-CANADIAN AMENDMENT WAS SUPPORTED BY CANADA, UK AND ARGENTINA. URUGUAY, JAMAICA AND NETHERLANDS EXPRESSED SUPPORT FOR IDEA OF ACCOMMODATION INCLUDING MARGIN JURISDICTION BEYOND 200 MILES COUPLED WITH REVENUE SHARING.

9. US INDICATED SUPPORT FOR IRISH-CANADIAN AMENDMENT AS PART OF PACKAGE, INCLUDING REVENUE SHARING, NOTING SUCH PACKAGE COULD ACCOMMODATE SPECIFIC INTERESTS OF INTERNATIONAL COMMUNITY.
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